

opportunity for the Government to be heard, the court finds, by a preponderance of the evidence, that—

“(A) the movant was convicted of an offense against the United States; and

“(B) the participation in the offense by the movant was a result of the person having been a victim of trafficking.

“(5) SUPPORTING EVIDENCE.—

“(A) REBUTTABLE PRESUMPTION.—For purposes of this section, there shall be a rebuttable presumption that the movant is a victim of trafficking if the movant includes in the motion—

“(i) a certified copy of an official record of a Federal, State, tribal, or local proceeding, including an approval notice or an enforcement certification generated from a Federal immigration proceeding, that shows that the movant was a victim of trafficking, including a victim of a trafficker charged with a violation of chapter 77; or

“(ii) an affidavit or sworn testimony from a trained professional staff member of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the movant has sought assistance in addressing the trauma associated with being a victim of trafficking.

“(B) OTHER EVIDENCE.—

“(i) IN GENERAL.—For purposes of this section, in determining whether the movant is a victim of trafficking, the court may consider any other evidence the court determines is of sufficient credibility and probative value, including an affidavit or sworn testimony of the movant.

“(ii) AFFIDAVIT OR SWORN TESTIMONY OF MOVANT SUFFICIENT EVIDENCE.—The affidavit or sworn testimony of the movant described in clause (i) shall be sufficient evidence to vacate a conviction under this section if the court determines that—

“(I) the affidavit or sworn testimony is credible; and

“(II) no other evidence is readily available.

“(6) CONVICTION NOT REQUIRED.—It shall not be necessary that any person other than the movant be convicted of an offense against the United States before the movant may file a motion under paragraph (1).

“(7) DENIAL OF MOTION.—

“(A) IN GENERAL.—If the court denies a motion filed under paragraph (1), the denial shall be without prejudice.

“(B) REASONS FOR DENIAL.—If the court denies a motion filed under paragraph (1), the court shall state the reasons for the denial in writing.

“(C) REASONABLE TIME TO CURE DEFICIENCIES IN MOTION.—If the motion was denied due to a curable deficiency in the motion, the court shall allow the movant sufficient time for the movant to cure the deficiency.

“(8) APPEAL.—An order granting or denying a motion to vacate under this section may be appealed in accordance with section 1291 of title 28 and section 3731 of this title.

“(c) EXPUNGEMENT.—

“(1) IN GENERAL.—If the court grants a motion to vacate under subsection (b), the court shall immediately vacate the conviction, set aside the verdict and enter a judgment of acquittal, and enter an expungement order that directs that there be expunged from all official records all references to the—

“(A) arrest of the person for the offense;

“(B) the institution of criminal proceedings against the person; and

“(C) the results of the proceedings.

“(2) EFFECT.—The effect of an order entered under paragraph (1) shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest or the institution of the criminal proceedings.

“(d) PRETRIAL MOTION TO DISMISS.—

“(1) IN GENERAL.—A person charged with an offense against the United States may move to dismiss the indictment, information, or complaint if the participation in the offense by the person was a result of the person having been a victim of trafficking.

“(2) APPLICABLE RULES GOVERNING MOTION.—

“(A) IN GENERAL.—A motion described in paragraph (1) shall—

“(i) be deemed to be a motion described in rule 12(b)(3)(B)(v) of the Federal Rules of Criminal Procedure; and

“(ii) except as provided in subparagraph (B), be governed by the rules applicable to that motion.

“(B) RULING ON MOTION.—Notwithstanding rule 12(d) of the Federal Rules of Criminal Procedure, the court—

“(i) shall decide a motion under this subsection before trial; and

“(ii) may not defer ruling on the motion until during or after trial.

“(e) ADDITIONAL ACTIONS BY COURT.—The court may, upon granting a motion under this section take such additional action as the court determines is appropriate.

“(f) CONFIDENTIALITY OF MOVANT.—

“(1) IN GENERAL.—A motion under this section and any documents, pleadings, or orders relating to the motion shall be filed under seal.

“(2) INFORMATION NOT AVAILABLE FOR PUBLIC INSPECTION.—No officer or employee may make any report, paper, picture, photograph, court file or other document, in the custody or possession of the officer or employee, that identifies the movant available for public inspection.

“(g) APPLICABILITY.—This section shall apply to any conviction before or on or after the date of enactment of this section.

“(h) GRANT FOR BEST PRACTICES.—

“(1) IN GENERAL.—On and after the date that is 1 year after the date of enactment of this section, the Attorney General of the United States may make grants to eligible entities to develop, improve, or expand legal services to carry out this section.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, including providing organizations and agencies with funds to train legal aid services on motions practices under this section.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections of chapter 237 of title 18, United States Code, is amended by adding at the end the following:

“3772. Motion to vacate; expungement; motion to dismiss.”

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101-509, the reappointment of the following individual to serve as a member of the Advisory Committee on the Records of Congress: Deborah Skaggs Speth of Kentucky.

The Chair, on behalf of the Vice President, pursuant to Public Law 93-642, appoints the following Senator to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation: The Honorable CLAIRE McCASKILL of Missouri.

ORDERS FOR TUESDAY, MARCH 10, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 10 a.m., Tuesday, March 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, with the majority controlling the first half and the Democrats controlling the second half; further, that at 11 a.m. the Senate proceed to the consideration of S. 178 under the previous order, for debate only, until 12:30 p.m., with the time equally divided; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Mr. President, reserving the right to object, may I say that for many of our States, climate change is a reality and even a daunting one. We look forward to working on the question posed by the Energy and Natural Resources Committee chair: What do we do? But in order to do so we need something from the majority to work with.

With that said, I do not object, and I thank the majority leader for his courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I might say to my friend from Rhode Island, his amendment on climate change was a part of the Keystone bill the President vetoed. I know he and I have very different views about this. What may be challenging for his State is equally challenging in mine. We have a depression in the coalfields of Eastern Kentucky. It is a pretty grim picture. We all know Rhode Island and Kentucky may see this issue quite differently.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.